

**04-905      VOLVO TRUCKS NORTH AMERICA, INC. V. REEDER-SIMCO, INC.**

DECISION BELOW: 374 F.3d 701 (8<sup>th</sup> Cir. 2004)

QUESTIONS PRESENTED

1.      Whether an unaccepted offer that does not lead to a purchase - so that there is not "discriminat[ion] \* \* \* between different purchasers" as the statutory language contemplates - may be the basis for liability under the Act.
2.      Whether the Act permits recovery of damages by a disfavored purchaser that does lose sales or profits to a competitor that does not purchase from the defendant, but does not lose sales or profits to any purchaser that "receives the benefit of" the defendant's price discrimination.

Cert. Granted 3/7/05